

**PIKE COUNTY PROJECT DEVELOPMENT BOARD
MEETING MINUTES**

**Pike County Courthouse
Pikeville, Kentucky**

July 2, 2009, at 5:00 p.m.

PRESIDING OFFICER: Judge/Executive Wayne T. Rutherford

MEMBERS OF THE BOARD PRESENT:

**Magistrate Jeff Anderson
David Deskins, Circuit Court Clerk
District Judge Darrell Mullins
AOC Project Manager Jeff Lilly**

OTHERS PRESENT:

**Steve Sherman, Sherman, Carter and Barnhart
Debbie Bailey, Grace Fellowship
Bobby Branham, Exec. Asst. to Judge/Executive
R. Roland Case, Assistant Pike County Attorney
Rusty Davis, Attorney for City of Pikeville
Rose Farley, Recorder
Mike Stewart, Grace Fellowship**

MEMBERS OF THE BOARD ABSENT:

**City Manager/AOC Representative Donovan Blackburn
Circuit Judge Eddy Coleman
Citizen at Large Hon. Charles E. Lowe, Jr.
State Bar Association Representative Neal Smith**

Pike County Judge/Executive Wayne T. Rutherford, Chair of the Pike County Project Development Board, called to order a regularly scheduled meeting of the Board on July 2, 2009, in the Pike County Courtroom, 146 Main Street, Pikeville, Kentucky. **Upon motion by Judge Darrell Mullins and second by David Deskins, the Board unanimously APPROVED the board meeting minutes for June 4, 2009.** *[Recorder's Note: Jeff Lilly, AOC Project Manager, voted during this meeting to fulfill quorum requirements.]*

Judge Rutherford called upon Assistant Pike County Attorney R. Roland Case to present a status report on the properties under consideration for construction of the new Judicial Center. He stated the trial date on the Pinson property has been moved from August to September 2, 2009. He reported some of the money has been paid into the court so possession may be taken on the four properties.

He requested that the fees be paid for Steve Hogg, Warning Order Attorney for the lawsuits, and asked how this should be approved. Jeff Lilly, AOC Project Manager, answered that the Fiscal Court could pay Mr. Hogg and then request reimbursement with invoices to be submitted. Judge Rutherford told Attorney Case to have Rhonda James, Finance Commissioner for the Fiscal Court, take care of this. Mr. Lilly asked Attorney Case if Mr. Hogg were billing at the state rate and he answered that warning order attorney fees are set by the court and in this case by the Special Judge. David Deskins, Circuit Court Clerk, confirmed his office did receive the funds on the four properties and they are in his general account waiting on the judge.

Judge Rutherford called upon Steve Sherman of Sherman, Carter and Barnhart, Architects for the Judicial Center Project, for a status report. Mr. Sherman stated everything is progressing well with the development of plans and with building a LEED certified building, the first LEED justice building in the state. He said actually getting onto the site itself seems to be the delay at this time.

Mr. Sherman emphasized the firm really needs to be onsite to begin the second phase survey and do some geotechnical work to determine if any environmental issues exist. They need accessibility to the four properties and he stated since his firm is on schedule to be finished with the drawings, lack of property acquisition will be a severe hindrance. He said he would check with Mr. Lilly and Attorney Case to see what buildings could actually be accessed.

Attorney Davis reported that the court had granted his motion to expedite the appeal on the four properties until after the briefing schedule. He said the plaintiff has sixty days to file a brief and then two months until the briefing schedule. The court will then decide if it wants oral argument after which it will give the decision. He stated realistically, it would be four months before all this is finalized. Mr. Sherman asked which properties these were and Attorney Davis listed Larry Webster's law office; the parking lot next to Mr. Webster's office; and three pieces where Alcie Combs' property is and where the county coroner is presently located.

Judge Rutherford reminded the Board of concern about the backs of the buildings which will not be taken and asked Mr. Sherman his ideas for dressing those up. Mr. Sherman responded no solution has yet been established for that but promised the firm would do something. He said the four months delay would really place a delay on his original schedule and stressed the importance of anything that can be done to move things

forward more quickly. He said his firm's schedule outlined basically ownership and accessibility to the buildings by mid-August and having the drawings released. He added, however, in order to complete those drawings, his firm would have to investigate the buildings to see if there are any hazardous materials. If any are found, those must be acknowledged and addressed.

He said the survey is the third phase and of lesser importance; first is the drilling into the ground to see if the structure can be completed. He explained the design must be based on the adjoining properties' characteristics; thus, the geotechnical investigation is needed. The investigation will probably take two weeks after which his firm will go back and finish the structural design below grade. If they encounter anything unusual, modifications must be made. He added that this could become more costly and problematic but stated the investigation of the buildings must be undertaken before anything is demolished. The last phase cannot be completed until all the buildings are torn down. Attorney Davis noted when the court says sixty days, nothing can be changed. After the first sixty days goes by, the decision could be rendered very quickly.

Judge Rutherford asked if anyone in the audience had comments and Debbie Bailey inquired whether the property owners of the Weddington Theater building would want Grace Fellowship to pay rent for the next month. Attorney Case advised her to go ahead since the deeds have not been executed as of this date.

There being no further business to come before the Board at this time, Judge Rutherford ADJOURNED the meeting.

Respectfully submitted,

Rose Farley, Recorder